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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO. 4419		
10/664,383	09/17/2003	Michael Paul Gividen	F3317(C)			
201	7590 07/07/2005		EXAM	EXAMINER		
UNILEVER INTELLECTUAL PROPERTY GROUP			ALEXANDER, REGINALD			
700 SYLVAI BLDG C2 SO	•	ART UNIT	PAPER NUMBER			
	OD CLIFFS, NJ 07632-310	1761				

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Applicatio	n No.	Applicant(s)				
Office Action Summary		10/664,38	3	GIVIDEN ET AL.				
		Examiner		Art Unit				
		Reginald L		1761	!			
Period fo	The MAILING DATE of this communication or Reply	n appears on the	cover sheet with the c	orrespondence ad	dress			
A SH THE - Exter after - If the - If NO - Failu Any	ORTENED STATUTORY PERIOD FOR R MAILING DATE OF THIS COMMUNICATION sions of time may be available under the provisions of 37 CI SIX (6) MONTHS from the mailing date of this communication period for reply specified above is less than thirty (30) days, period for reply is specified above, the maximum statutory preto reply within the set or extended period for reply will, by reply received by the Office later than three months after the ed patent term adjustment. See 37 CFR 1.704(b).	ON. FR 1.136(a). In no ever on. a reply within the statu seriod will apply and will statute, cause the appli	nt, however, may a reply be time cory minimum of thirty (30) days expire SIX (6) MONTHS from cation to become ABANDONEI	nely filed s will be considered timel the mailing date of this co D (35 U.S.C. § 133).				
Status								
1)⊠	Responsive to communication(s) filed on	20 May 2005.						
2a)⊠	_ ·							
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposit	ion of Claims							
·	Claim(s) is/are objected to.							
Applicat	ion Papers							
• —	The specification is objected to by the Exa	_	_					
10)	10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
	Applicant may not request that any objection t				ED 4 404/3\			
11)□	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 1) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority (under 35 U.S.C. § 119							
12)□ a)	Acknowledgment is made of a claim for fo All b) Some * c) None of: 1. Certified copies of the priority docu 2. Certified copies of the priority docu 3. Copies of the certified copies of the application from the International Bee the attached detailed Office action for	ments have beer ments have beer priority docume tureau (PCT Rule	n received. n received in Applicati nts have been receive e 17.2(a)).	ion No ed in this National	Stage			
Attachmen	nt(s)							
1) Notic	ce of References Cited (PTO-892)		4) Interview Summary					
3) Infor	ce of Draftsperson's Patent Drawing Review (PTO-94 mation Disclosure Statement(s) (PTO-1449 or PTO/5 er No(s)/Mail Date		Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate Patent Application (PT)	O-152)			

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4, 5, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portman '099.

There is disclosed in Portman a container for serving infused liquid beverages made from infusion bags having a string and tag attached, the container comprising a receptacle 11 for holding liquid, a lid 21 for the receptacle provided with an opening having a first portion (slits) 47 which are capable of gripping the string of the infusion bag and a second portion (aperture) 61, located on the first portion, through which the string of the infusion bag can move, and a dispensing outlet 91 in the lid, wherein the first portion comprises a plurality of slits which are aligned with the aperture and extend at angles therefrom.

Portman discloses the claimed invention except for slits that extend at right angles. It would have been an obvious matter of design choice to extend the angles at right angles as opposed to the angle shown in Portman, since applicant has not disclosed that slits at right angles solves any state problem or is for any particular

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purpose and it appears that the invention would perform equally well with the angles shown in Portman.

Response to Arguments

Applicant's arguments filed May 20, 2005 have been fully considered but they are not persuasive. Applicant argues that the prior art fails to disclose a slit having further slits which extend at right angles.

While Portman fails to disclose the slits at right angles, there are disclosed slits which extend at some unknown angle. The function of the slits in Portman is the same as those disclosed by applicant. There appears to be no advantage or nothing novel about extending tea bags from a slit which extends at a right angle as opposed to the angle shown in the prior art. Forming slits at right angles appears to be an obvious matter of design choice.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rla July 5, 2005 Reginald L. Alexander Primary Examiner Art Unit 1761